



**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)  
COMMERCIAL REMOTE SENSING COMPLIANCE PROGRAM**

**COMPLIANCE AND MONITORING BASELINE AUDIT**

**DATE:** \_\_\_\_ **BASELINE AUDIT**

**LICENSEE OF RECORD:** \_\_\_\_\_

**Corporate Affiliation:** \_\_\_\_\_

**LICENSED SYSTEM(S) OF RECORD:** \_\_\_\_\_

Under the Land Remote Sensing Policy Act of 1992 (the Act), Public Law 102-555, 15 U.S.C. § 5601 et seq., the Secretary of Commerce (the Secretary) has the obligation to continuously monitor to ensure the national security and international obligations of the United States are maintained by licensed operators of private remote sensing systems. Further, under 15 U.S.C. § 5621(b)(1), the Secretary may not grant any License, unless the Secretary determines in writing that the Licensee will comply with the requirements of the Act, any regulations issued pursuant to this Act, the terms of the resulting License(s), and any applicable national security concerns and international obligations of the United States.

As a result of this statutory mandate, the Secretary must continuously monitor the Licensee and the operation of its licensed system(s) to ensure compliance with the provisions of the Act and the preservation and protection of the national security and international obligations of the United States. Further, in accordance with 15 U.S.C. § 5623(a), the Secretary may make investigations and inquiries or take other actions concerning any matter relating to the enforcement of this Act. This monitoring and compliance audit is being conducted, pursuant to these legal authorities and any other applicable federal law.



**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)  
COMPLIANCE PROGRAM**

**BASELINE AUDIT**

**CERTIFICATION STATEMENT**

I, \_\_\_\_\_ (INSERT Full Legal Name), as an authorized representative of  
\_\_\_\_\_  
\_\_\_\_\_  
(INSERT Full Company/Licensee Name), hereby represent and warrant that the verbal and/or written representations<sup>1</sup> made herein by me regarding those officers, directors, employees, persons, or other agents acting on behalf of my organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s) are, to the best of my knowledge, true, complete, and accurate, and that these representations are made in good faith. I understand that a knowing and willful false statement, either verbal or written, is punishable by fine or imprisonment or both, as well as other penalties prescribed under the Act. (See, generally, Section 1001 of Title 18 of the United States Code).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Name of Licensed System(s): \_\_\_\_\_

Type: \_\_\_\_\_

---

<sup>1</sup> Representations may include a variety of materials provided by the Licensee in conformance with its NOAA commercial remote sensing license (herein, the "License") and NOAA's Commercial Remote Sensing Compliance and Monitoring Program. These materials may include, but are not limited to, the following materials: a data collection restrictions/operational limitations plan; data protection plans for the system and/or all ground stations, foreign or domestic; an operations plan for restricting collection or dissemination of imagery; all documents required as part of the Licensee's quarterly reporting and record keeping obligations; and any other materials which may be required to ensure that the Licensee is operating its system(s) consistent with the national security concerns and international obligations of the United States.

In accordance with the Act, NOAA's regulations, and the terms and conditions of NOAA's License, all questions referenced in this Audit address any person, who exercises administrative control of the Licensee and/or operational control of the Licensee's licensed system(s), and/or those persons or business activities affecting the operational control of the licensed system(s), as explicitly referenced on Page 2 of this document. Further information regarding the definitions of the terms "*Administrative control*," "*Operational control*," "*Person*," and "*Remote sensing space system*" may be found at 15 CFR § 960.3 ("Definitions").

---

**A. FOREIGN OWNERSHIP, CONTROL OR INFLUENCE**

To the best of your knowledge and with respect to persons (*See*, 15 CFR § 960.3), who exercise administrative control of the Licensee and/or operational control of the licensed system(s):

1. Are these persons citizens of, or residents of, a foreign country?  
☐ No.  
☐ Yes. (Explain in full detail on attached page)
2. Do these persons intend to enter into any "*significant and substantial foreign agreements*," as defined in 15 CFR § 960.3, which have not been previously disclosed to NOAA, in accordance with 15 CFR § 960.8 ("Notification of foreign agreements")?  
☐ No.  
☐ Yes. (Explain in full detail on attached page)
3. Have these persons entered into any "*significant and substantial foreign agreements*," as defined in 15 CFR § 960.3, which have not been previously disclosed to NOAA, in accordance with 15 CFR § 960.8 ("Notification of foreign agreements")?  
☐ No.  
☐ Yes. (Explain in full detail on attached page)
  - 3.a. Please provide a list of current foreign agreements.
  - 3.b. Please provide a list of all planned, active or inactive ground stations.
  - 3.c. For active ground stations, please provide a point of contact at each station(s).
  - 3.d. Please provide the procedures used to assure compliance of foreign affiliates with the terms and conditions of the License.
4. Have persons (15 CFR § 960.3) who exercise administrative control of the Licensee and/or operational control of the licensed system(s) been engaged in any unauthorized or unlicensed technology transfer?  
☐ No.  
☐ Yes. (Explain in full detail on attached page)

5. Does any person participate in any foreign owned or operated venture or activity that could exercise administrative control of the Licensee and/or operational control of the licensed system(s)?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)
6. Does any foreign person or entity control, directly or indirectly, the election, appointment, or tenure of directors, officers or executive personnel of the Licensee?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)
7. Does any foreign person or entity control, directly or indirectly, or exercise the power to control other managerial decisions or activities of the Licensee?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)
8. Are there any other factors not identified above regarding the exercise of administrative control of the Licensee and/or operational control of the licensed system(s) by any foreign person or entity?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)
9. Are there any other factors that indicate or demonstrate a capability on the part of foreign persons to present a risk to the national security of the United States?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)

**B. GENERAL SECURITY CONCERNS**

10. Do any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), have a history of deceptive or illegal financial practices such as embezzlement, employee theft, check or contract fraud, overcharging, mischarging (e.g., for services charged but not actually rendered) or duplicate charging on a contract, income tax evasion, expense account fraud, or other intentional financial breaches of trust?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)
11. Have any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), made unauthorized disclosures of classified information?
- \_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)

12. Have any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), engaged in security violations with regard to the protection of classified information, proprietary information, For Official Use Only (FOUO) information, or any other non-public information, that are deliberate, multiple in nature, or determined to be the result of negligence?

☐ No.

☐ Yes. (Explain in full detail on attached page)

13. Have any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), made deliberate omissions, concealments or falsifications of relevant and material facts to an investigator, security official, government official, or other official representative in connection with any governmental investigation, audit or other investigative or enforcement inquiry?

☐ No.

☐ Yes. (Explain in full detail on attached page)

14. Are any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), a named party(s) in current litigation, foreign or domestic, involving the Licensee; or, in the alternative, its parent company, its joint venture owners, its subsidiaries, its affiliates, successors or assigns?

☐ No.

☐ Yes. (Explain in full detail on attached page)

15. Are any persons affiliated with your organization, who exercise administrative control of the Licensee and/or operational control of the licensed system(s), the focus of a civil or criminal investigation involving the Licensee; or in the alternative, its parent company, its joint venture owners, its subsidiaries, its affiliates, successors or assigns?

☐ No.

☐ Yes. (Explain in full detail on attached page)

16. Are there any other factors which were not explicitly mentioned in the section above that could result in a finding that the Licensee and/or persons identified above present a risk to the national security of the United States?

☐ No.

☐ Yes. (Explain in full detail on attached page)

#### **CORPORATE INFORMATION**

17. Please provide a complete list of your company's corporate structure, board membership, ownership of the Licensee, additions of affiliates or subsidiaries, corporate mergers, acquisitions or takeovers, or other corporate actions. Please review Appendix 3 of your License(s) to verify that the information contained therein is complete, true and accurate.

18. Are there any other factors which were not explicitly mentioned in the section above that could result in a finding that the Licensee and/or persons identified above present a risk to the national security of the United States?

☐ No.

☐ Yes. (Explain in full detail on attached page)

19. In regard to financial investments, if your company is publicly traded please provide Securities and Exchange Commission (SEC) filings. If your company is not publicly traded, please provide applicable information required by the SEC in the 10K and 10Q forms (See, 15 CFR § 960.11, Sec. 1 - *Annual Compliance Audit*).

### **CONCEPT- OF- OPERATIONS**

To the best of your knowledge and with respect to the licensed system(s) identified on Pages 1 and 2 of this document:

20. Have there been substantial changes to the concept-of-operations which have not been previously reviewed and approved by NOAA?

☐ No.

☐ Yes. (Explain in full detail on attached page)

21. Have there been substantial changes to any of the data handling, restricted area, shutter control, or spacecraft disposal plans which have not been previously reviewed and approved by NOAA?

☐ No.

☐ Yes. (Explain in full detail on attached page)

23. Are there any other changes in the licensed system(s)' concept-of-operations provided in the license application, which were not explicitly mentioned in the above section that could result in a finding that the Licensee and/or the persons identified above present a risk to the national security of the United States?

☐ No.

☐ Yes. (Explain in full detail on attached page)

24. Has there been a change to your projected launch date?

☐ No

☐ Yes. (If applicable, please provide the licensed system(s)' revised, projected launch date: \_\_\_\_\_).

25. Have you submitted a data protection plan one year prior to launch?

☐ No

☐ Yes. (Explain in full detail on attached page)

26. What method do you use (i.e., interdiction software) to ensure compliance with the Office of Foreign Assets Control (OFAC) restrictions? Please explain in detail on separate page and/or provide documentation.
- 26 a. In the case of resellers, please explain how the Licensee assures resellers comply with OFAC and “Denied Parties” restrictions in U.S. law and regulations? Please attach any documentation, e.g., signed acknowledgement by resellers of obligations and penalties for failure to comply, etc, or other guidance, relevant to your answer. (*See Sec. 13b. of the NOAA License*).
27. Has your organization experienced any breach in its physical security?
- \_\_\_\_\_ No  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)
- 27.a. Please DESCRIBE in full detail the physical security measures, procedures and processes, employed by your organization’s facility (Mission Control Center and/or any ground stations, foreign and domestic).
28. Has your organization experienced any breach in its Information Technology (IT) system?
- \_\_\_\_\_ No  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)

**OPERATIONAL CONDITIONS**

To the best of your knowledge and with respect to the licensed system(s) identified in Pages 1 and 2 of this document:

29. Have there been substantial changes to the launch segment information, which have not been previously reviewed and approved by NOAA?
- \_\_\_\_\_ No.  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)
30. Have there been substantial changes to the space segment information (including sub-system(s) drawings, imaging system(s) specifications, etc.), which have not been previously reviewed and approved by NOAA?
- \_\_\_\_\_ No.  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)
31. Have there been substantial changes to the ground segment information, which have not been previously reviewed and approved by NOAA?
- \_\_\_\_\_ No.  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)
32. Has an event occurred with respect to which your organization has requested a waiver of the 24-hour dissemination delay?
- \_\_\_\_\_ No  
\_\_\_\_\_ Yes. (Explain in full detail on attached page)

33. Has the licensed system(s) undergone any operational deviation, such that the resultant data and/or imagery collected and/or disseminated from the licensed system has been in violation of the current Kyl-Bingaman Amendment restrictions imposed by NOAA?

\_\_\_ No  
\_\_\_ Yes. (Explain in full detail on attached page)

33.a. Will the licensed system(s) undergo any operational deviation or proposed deviation of the licensed system(s), such that its operation would violate the terms and conditions of that system's License?

\_\_\_ No  
\_\_\_ Yes. (Explain in full detail on attached page)

33.b. At all times, has operational control of the licensed system(s) been from a location within the United States?

\_\_\_ No  
\_\_\_ Yes. (Explain in full detail on attached page)

33.c. Please DESCRIBE in detail your organization's written procedures to comply with an order from the Secretary of Commerce to interrupt the normal commercial operations of your organization's licensed system(s), as defined in the License.

34. Have you experienced any anomalies or events that have not previously been reported to NOAA's Commercial Remote Sensing Compliance and Monitoring Program, which have caused your system (space and ground segment; *See, 15 CFR § 960.3 Definitions, Remote sensing space system, Licensed system, or System.*) to operate outside of the operating conditions specified in your NOAA license? If so, please provide the following details:

Date, description, and corrective action performed for any anomalies or events which have caused the system to operate outside of license parameters and what action, if any, was performed to return the system licensed baseline status.

35. Are there any other changes to the licensed system(s), which were not explicitly mentioned in the above section that could result in a finding that the Licensee and/or any persons so identified herein present a risk to the national security of the United States?

\_\_\_ No.  
\_\_\_ Yes. (Explain in full detail on attached page)

36. Provide a complete list of all archived, unenhanced data which has been generated by your licensed system which is not already maintained in a public catalog. Please note any data deemed proprietary. (*15 CFR § 960.11 (b)(7)*)

***You have reached the conclusion of this year's annual monitoring and compliance audit.***

\*\*\*\*\*

***Please be advised, if any of the information that you have provided should change it is the responsibility of your organization to notify NOAA within thirty (30) business days. A Licensee's failure to notify NOAA in a timely manner may result in penalties for non-compliance being levied, pursuant to Section 203(a)(3) of Public Law 102-555, as well as suspension and/or termination of the License.***